

## REMARKS

The pending claims 1 – 4 stand rejected under §102 as being anticipated by Steppe et al., U.S. Patent 4,713,051.

Claims 2 and 4 have been amended to correct typographical errors.

Replacement drawings are being submitted along with this amendment.

Before addressing the patentability of each independent claim, the main patentable distinguishing feature of the present application from the pumping system disclosed by Steppe et al., is a limitation requiring the backing plate to be attached to the housing. As indicated by the Examiner, the backing plate of Steppe et al. is manifested in the form of pump opening 32. Pump opening of 32 is formed within the cassette to be inserted into the pump. Therefore, Steppe et al. wholly lacks the limitation of the backing plate being attached to the housing but rather teaches incorporating the backing plate into the cassette itself. As stated in the present application at page 2, paragraph 4, the prior art method of having a cartridge with a portion of the cartridge forming a backing plate has a draw back in that the backing plate of the cartridge typically does not cooperate with the pump head over a sufficiently large radius. This relatively small radius of interaction between the pump head and the backing plate may lead to unwanted pulsation in the aspirant flow through system. Therefore, one of the advantages of the present application over Steppe et al. was specifically set forth in the above cited paragraph.

In addition, the pump head of Steppe et al. while moving slightly upon the insertion of a cassette 20 is otherwise unmoveable. The pump head of Steppe et al. moves slightly to compress the springs to provide sufficient force to pinch the tubing 62 closed during operation of the aspiration system. This is compared to the present application where the pump head itself moves relative to the housing and the backing plate, and the pump head then translates towards the backing plate.

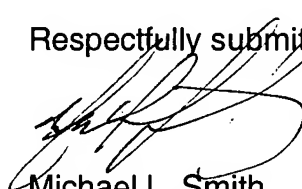
Steppe et al.'s pump head never translates towards the backing plate as required by amended claims 1, 2, and 4. The pump head does not move towards the backing plate rather the backing plate via insertion of the cassette 20, moves towards the pump head and then at some point the pump head and backing plate move relatively in sync and in the same direction.

All four pending claims require that the backing plate be attached to the housing and, as discussed above, Steppe et al. teaches a wholly different configuration wherein the backing plate is not attached to the housing, but is incorporated in the cassette 20 to be inserted into the aspiration system or unit 22. In addition, independent claims 1 and 3 both require the pump head to move relative to the housing and the backing plate from an open position to an operative position. As stated before, the pump head of Steppe et al. does not move relative to the backing plate, but rather moves in conjunction with and in the same direction as the backing plate of Steppe et al.

In addition, claim 4 requires a cartridge holder drawer which is moveable from an open position to an operative position and which holds a surgical cartridge. The Examiner asserts that Steppe et al. discloses such a drawer; however, the Applicant strongly disagrees. Rather than disclosing a drawer, such as specifically claimed in the present application, Steppe et al. discloses a cassette slot 26. The slot 26 does not move, but rather is simply a stationary structure which receives a cassette that is pushed into the slot 26 by an operator. The slot 26 simply does not and cannot move from an open position to an operative position, as specifically claimed in independent claim 4.

Therefore, in view of the above amendment to claim 1 and the remarks made above, it is respectfully submitted that pending claims 1 – 4 are all in condition for allowance, and such allowance is requested at an early date.

Respectfully submitted,



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